

11224 U.S.P.10

# PATENT APPLICATION TRANSMITTAL LETTER

Attorney Docket No.  
PAT-133

**To the Commissioner of Patents and Trademarks:**

Transmitted herewith for filing is the patent application of J.C. Garito et al.  
entitled **DUAL-MODE ELECTROSURGICAL ELECTRODE FOR TREATING**  
**TISSUE**

Enclosed are:

- X     20 pages of written description, claims and abstract.  
       4 sheet(s) of drawings.  
       an assignment of the invention to \_\_\_\_\_  
X     executed declaration of the inventor(s).  
       a certified copy of \_\_\_\_\_ application No. \_\_\_\_\_, the priority of which is hereby claimed.  
                                 (country)  
       a verified statement to establish small entity status under 37 CFR 1.9 and 1.27.  
       information disclosure statement.  
       preliminary amendment.  
X     other: NonPublication Request under 35USC122(b)(2)(B)(i).

## CLAIMS AS FILED

	NUMBER FILED	NUMBER EXTRA	RATE	FEE
<b>BASIC FEE</b>			\$770	\$770.00
<b>TOTAL CLAIMS</b>	20-20 =	*-	x \$18	\$
<b>INDEPENDENT CLAIMS</b>	3-3 =	*	x \$86	\$
<b>MULTIPLE DEPENDENT CLAIM PRESENT</b>		-	\$290	\$
*Number extra must be zero or larger		<b>TOTAL</b>		\$770.00
If applicant has small entity status under 37 CFR 1.9 and 1.27, then divide total fee by 2, and enter amount here.		<b>SMALL ENTITY TOTAL</b>		\$385.00

- X A check in the amount of \$ 385.00 to cover the filing fee is enclosed.
- X The Commissioner is hereby authorized to charge and credit Deposit Account No. 15-0380 as described below. I have enclosed a duplicate copy of this sheet.
- X The undersigned hereby asserts that the applicant(s) and assignee are entitled to small entity status.
- X Please do NOT publish. There is no present intention to file abroad.

\_\_\_ Charge the amount of \$\_\_\_ as filing fee.

- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 CFR 1.16 and 1.17.

1/19/04  
Date

Reg. No. 17317

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EXPRESS MAIL CERTIFICATE 37 CFR 1.10

Date of Deposit            Express Mail Label No.           

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to MS Patent Application Commissioner for Patents, PO Box 1450, Alexandria, VA. 22313-1450

J. Oisher

Name of Person Mailing

Signature

22581 U.S. PTO  
10/761774

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor

ELLMAN et al.

Title

DUAL-MODE ELECTROSURG.

Atty Docket Number

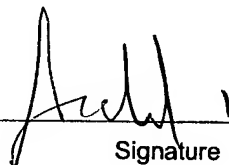
PAT-133

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

1/ 19 /04

Date

  
Signature

Jack Oisher, Esq.

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.